

RIGHT OF APPEAL

After an order is entered by the Eugenics Board in a case on which there has been a hearing, any party to the proceedings may within 15 days from the date of the order give notice of appeal to the Superior Court. An operation, if authorized after a hearing, cannot be performed until 15 days after the date of authorization. In an appeal the person for whom the operation has been ordered is to be deemed the plaintiff. If the court does not sustain the plaintiff's objections, he has 10 days following the court decision in which to file notice of appeal to the Supreme Court. No operation will be performed pending the outcome of any appeal.

PERFORMANCE OF OPERATION

The operation can be performed only by the duly qualified and registered North Carolina physician or surgeon authorized by the Eugenics Board. The physician or surgeon must also have a written order signed by the person instituting the proceedings, either the executive head of the institution or the county superintendent of public welfare. This authorization is given on Form No. 5 - Authorization of Petitioner to Surgeon. (This form is printed on the back of Form No. 4.)

Only the type of operation authorized by the Eugenics Board, sterilization or asexualization, can be performed by the physician.

The physician is responsible for reporting to the Eugenics Board the type of operation performed and the date of the operation. This return is made to the Executive Secretary of the Eugenics Board on the Certificate of Surgeon section of Form No. 4 - Order for Operation of Sterilization or Asexualization.

ASEXUALIZATION

The effects of asexualization are more drastic than those of sterilization. The Eugenics Board authorizes this type of operation only in unusual circumstances. If the examining physician feels that asexualization is desirable, he should specifically recommend it. The county superintendent of public welfare or the superintendent of a State institution, if requesting asexualization, should accompany the petition with a detailed explanation of the circumstances which justify such action.

ADDITIONAL RESPONSIBILITIES OF SUPERINTENDENTS OF INSTITUTIONS

Under the following circumstances an inmate or patient of a penal or charitable State or county institution cannot be released, paroled, or discharged until the superintendent has filed a petition for sterilization with the Eugenics Board and has carried out the order of the Eugenics Board:

- A. If such action has been requested in writing of the superintendent or governing body by any public official, legal guardian, next of kin, or the patient 30 days prior to the parole or discharge.